

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

American Copper & Brass, Inc., a)	
Michigan corporation, individually and)	
as the representative of a class of)	
similarly-situated persons,)	
)	Case No.: 1:09-cv-1162
Plaintiff,)	
)	Hon. Gordon J. Quist
v.)	
)	
Lake City Industrial Products, Inc. and)	
Jeffrey Meeder,)	
)	
Defendants.)	

**PLAINTIFF'S MOTION TO AWARD ATTORNEYS' FEES, AND RELATED NON-
TAXABLE EXPENSES PURSUANT TO FED. R. CIV. P. 54 (d) (2)**

Plaintiff, American Copper & Brass, Inc. ("Plaintiff"), moves for an award of costs, attorneys' fees and related non-taxable expenses pursuant to FED. R. CIV. P. 55 (d) (2). Plaintiff concurrently submitted a memorandum in support of this Motion.

1. Plaintiff's attorneys undertook the case on a contingency basis and successfully litigated the case through class certification and through summary judgment.

2. On July 12, 2013, this Court entered a *Memorandum Opinion Granting Plaintiff's Motion for Summary Judgment*. (Doc. 210).

3. The Court granted Plaintiff's motion for summary judgment and entered summary judgment jointly and severally against defendants Lake City Industrial Products, Inc. and Jeffrey Meeder ("Defendants") and in favor of the class

in the total amount of \$5,254,500.00 for Defendants' violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227. (Doc. 212).

4. Plaintiff requests that the Court award attorney's fees of one-third of that \$5,254,500.00 judgment—or \$1,751,500—to Class Counsel. Plaintiff also requests that the Court award Class Counsel \$36,889.17 in nontaxable expenses and \$9,500 to the Plaintiff as a class incentive award, also from the judgment. These requests are reasonable and supported by case law.

5. Because no money has been recovered, and the requested fees and expenses would come only from a recovery on the judgment, the Court might deem this motion premature. Because Rule 55 requires a fee petition, however, Plaintiff is filing this motion to avoid running afoul of the rule.

6. Pursuant to Local Rule 7.1(d), Plaintiff's counsel conferred with Defendants' counsel and Defendants do not concur in the relief requested.

WHEREFORE, Plaintiff requests the Court to award attorney's fees of one-third of the \$5,254,500.00, or \$1,751,500. Plaintiff also requests that the court award Class Counsel \$36,889.17 in nontaxable expenses and \$9,500 to the Plaintiff as a class incentive award.

Dated: July 26, 2013.

Respectfully submitted,

AMERICAN COPPER & BRASS, INC. a
Michigan corporation, individually and as
the representative of a class of similarly-
situated persons

/s/ Phillip A. Bock

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that, on July 26, 2013, he filed the foregoing pleading using the Court's CM/ECF system, which will serve all counsel of record.

/s/ Phillip A. Bock